

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: February 19, 2003

Division: Growth Management

Bulk Item: Yes X No       

Department: Planning

**AGENDA ITEM WORDING:** Approval for the transfer of two buildable lots from Marvin Barrett to Monroe County by Warranty Deeds; and approval for one Restrictive Covenant from Marvin Barrett to have one dwelling unit on contiguous lots described as Lots 16 and 17, Block 12, Anglers Park, Key Largo.

**ITEM BACKGROUND:** On December 17, 2002 the Planning Commission approved an allocation award for the applicant listed below provided the applicant's Warranty Deeds and Restrictive Covenant are approved by the BOCC. Marvin Barrett submitted the Warranty Deeds to donate two lots to Monroe County and the Restrictive Covenant to Monroe County. The applicant is receiving a dwelling unit allocation award for the year ending July 13, 2003, has filed the documents in accordance with Ordinance No. 47-1999.

**PREVIOUS RELEVANT BOARD ACTION:** On November 11, 1999, the BOCC adopted Ordinance No. 047-1999.

**CONTRACT/AGREEMENT CHANGES:** N/A.

**STAFF RECOMMENDATION:** Approval.

**TOTAL COST:** X

**BUDGETED:** Yes N/A No       

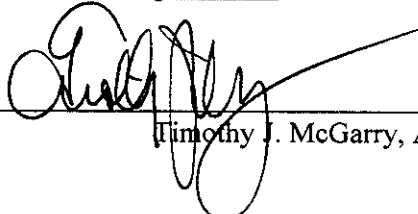
**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes N/A No        **AMOUNT PER MONTH** N/A **Year**       

**APPROVED BY:** County Atty X OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**



Timothy J. McGarry, AICP


**DOCUMENTATION:** Included X To Follow        Not Required       

**DISPOSITION:**       

**AGENDA ITEM #** 213

KMP

## M E M O R A N D U M

**TO:** Danny Kolhage, Clerk of the Court  
**FROM:** Timothy J. McGarry, Growth Management Director   
**DATE:** January 15, 2003  
**RE:** Clarification of Agenda Item

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### **Land Dedications & Restrictive Covenant**

<b>Permit Number</b>	<b>Name on Agenda Item</b>	<b>Name on Warranty Deed or Restrictive Covenant</b>	<b>Legal Description</b>
02-3-2622	Marvin Barrett	Marvin Barrett	Lot 8, Block 9, Koehn's Subdivision, Big Pine Key
02-3-2622	Marvin Barrett	Marvin Barrett	Lot 3, Woodsvale Subdivision, Sugarloaf Key
02-3-2622	Marvin Barrett	Marvin Barrett	Lots 16 and 17, Block 12, Anglers Park, Key Largo.

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## LOT AGGREGATION RESTRICTIVE COVENANT

1. **WHEREAS, Marvin Barrett, a single man, the undersigned** is the sole owner of the following described real property located in Monroe County, Florida, described as follows:

**Lots: 16 & 17    Block: 12**  
**Subdivision: Anglers Park**

**Key: Largo    PB: 1-159**

**Real Estate Numbers: 00553060.000000 & 00553080.000000; and**

2. **WHEREAS,** this Lot Aggregation Restrictive Covenant that restricts the use of the legally described property in order to receive a building permit; and
3. **WHEREAS,** the above described parcels were assigned additional points in the Permit Allocation System for building permit # 02-3-2622 for the voluntary reduction of density through aggregation of vacant, legally platted, buildable lots; and
4. **NOW, THEREFORE,** the undersigned agree as follows:
- The above described parcels shall have its density reduced from two dwelling units to one dwelling unit in consideration of a building permit to build a single-family residence; and
  - The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that this restriction shall run with the land and shall be forever binding upon the successors in title; and

- This covenant is intended to benefit and run in favor of the County of Monroe; and

In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 26 day of January 2003

OWNER OR OWNERS

Mar Barrett  
(Signature) Marvin Barrett

WITNESSES:

[Signature]  
(Signature)

Gay Marie Smith  
(Print/Type Name)

[Signature]  
(Signature)

Leslie Pete Meyers  
(Print/Type Name)

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

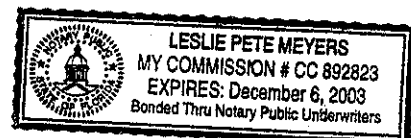
BY [Signature]  
Attorney's Office

Sworn before me this 26 day of January 2003 A.D.

Leslie Pete Meyers  
Notary Public (Print Name)

[Signature]  
Notary Public (Signature)  
My Commission Expires:

Prepared by:  
Gay Marie Smith  
P.O. Box 1638  
Tavernier, FL 33070



This instrument was prepared by:  
Gay Marie Smith  
PO Box 1638  
Tavernier, FL 33070

### WARRANTY DEED

This Indenture made this \_\_\_\_ day of \_\_\_\_\_, 2003 between Marvin Barrett, an unmarried man, whose post office address is P.O. Box 2883, Key Largo, FL 33037 of the County of Monroe, State of Florida, grantor, and THE COUNTY OF MONROE, a political subdivision of the State of Florida, whose post office address is c/o Board of County Commissioners, 500 Whitehead Street, Key West, FL 33040, of the county of MONROE, State of FLORIDA, grantee.

WITNESSETH, That said grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land situate, lying and being in Monroe County, Florida, to-wit:

Lot 3 of Woodsvale Subdivision according to the Plat thereof, as recorded in the Plat Book 4, Page 24, of the Public Records of Monroe County, Florida.

RE #00167020.000000

Subject to taxes subsequent to date of transfer. Subject to all conditions, easements, restrictions and limitations of record, if any.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantors hereby covenant with said grantees that the grantor is lawfully seized of said land in fee simple: that the grantor have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the said grantor have signed and sealed these presents the day and year the first above written.

Signed, sealed and delivered in our presence:

Signature of Witness

Gay Marie Smith

Printed or Typed Name

Signature of Witness

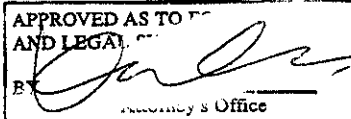
Chris Sante

Printed or Typed Name

Marvin Barrett

P.O. Box 2883

Key Largo, FL 33037



STATE OF FLORIDA  
COUNTY of MONROE

The foregoing instrument was acknowledged before me this 17 day of January 2003, by Marvin Barrett, who is personally known to me.

My Commission Expires:

Notary Public

Chris Sante  
Printed, typed or stamped name



This instrument was prepared by:  
Gay Marie Smith  
PO Box 1638  
Tavernier, FL 33070

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WITNESSETH, That said grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land situate, lying and being in Monroe County, Florida, to-wit:

Lot 8, Block 9 of Koehn's Subdivision, Big Pine Key according to the Plat thereof, as recorded in the Plat Book 3, Page 83, of the Public Records of Monroe County, Florida.

RE #00315260.000000

Subject to taxes subsequent to date of transfer. Subject to all conditions, easements, restrictions and limitations of record, if any.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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Signed, sealed and delivered in our presence:

  
Signature of Witness

Gay Marie Smith  
Printed or Typed Name

  
Signature of Witness

Chris Sante  
Printed or Typed Name

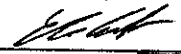
  
Marvin Barrett  
P.O. Box 2883  
Key Largo, FL 33037

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
  
Attorney's C

STATE OF FLORIDA  
COUNTY of MONROE

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